



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

*overruled in  
part by MW-1354*

Dr. George W. Cox, M. D.  
State Health Officer  
Austin, Texas

Dear Sir:

Opinion No. O-2377

Re: Payment of salaries of local  
health employees out of Fed-  
eral funds.

Under date of May 17, 1940, you submit the ques-  
tion for consideration by this Department, whether the  
salaries of employees in local health units may be augmented  
from Federal funds, if the same are embodied in the plan and  
budget agreed upon by the State Health Officer and Federal  
agencies.

You state that in such health units it is neces-  
sary to supplement various salaries, in order that qualified,  
competent personnell may be secured. You further state that  
you do not augment the salaries of any personnel carried in  
the departmental appropriation bill passed by the 46th Legis-  
lature; that the question concerns only the personnel paid  
out of funds derived from Federal sources.

The following provisions are contained in Senate  
Bill 427, Acts of the 46th Legislature:

"The appropriation herein provided are to  
be construed as the maximum sums to be appropriated  
to and for the several purposes named herein, and  
the amounts are intended to cover and shall cover  
the entire cost of the respective items and the  
same shall not be supplemented from any other source;

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and, except as otherwise provided, no other expenditures shall be made, nor shall any other obligations be incurred by any department of this State, provided however that nothing herein shall prevent any department head from paying less than the maximum amount set forth herein for any salaried position."

"Limitation of Payments. Except as otherwise provided, whenever, by virtue of the provisions of this Act, items are to be paid out of fees, receipts, special funds or out of other funds available for use by a department, it is the intention of the Legislature to limit expenditures out of said fees, receipts, special funds or other available funds to the purposes and in the amounts itemized herein, and it is so provided."

"United States Funds and Aid. The proper officer or officers of any State Departments, bureaus, or divisions of State agencies are hereby authorized to make application for and accept any gifts, grants, or allotments of funds from the United States Government to be used on State cooperative and other Federal projects and programs in Texas, including construction of public buildings, repairs, and improvements. Any of such Federal Funds as may be deposited in the State Treasury are hereby appropriated to the specific purpose authorized by the Federal Government."

"It is provided that any nurse employed by the State Health Department not receiving \$125.00 per month under this Act may have her salary supplemented from Federal funds in the sum of \$12.50 per month upon approval of the proper Federal authorities."

We interpret the above provisions as intending to authorize the application of Federal funds to the specific purpose authorized by the proper Federal authority having supervision of such funds, with the limitation that persons paid from State funds may not have their salaries supplemented from Federal funds, except in the instance of nurses not receiving \$125.00 per month, who may have their salaries supplemented from Federal funds in the sum of \$12.50 per month upon approval of the proper Federal authorities.

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If, therefore, you do not propose to augment or supplement the salaries of employees paid from State funds, your question is answered in the affirmative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

*RW Fairchild*

Richard W. Fairchild  
Assistant

RWF:BBB

JANUARY 2, 1940

*Gerald B. Mann*

ATTORNEY GENERAL OF TEXAS

